

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA	§	
	§	
	§	
v.	§	No. 3:15-cr-00496-L
	§	
USPLABS, LLC	§	
JACOBO GEISSLER	§	
JONATHAN DOYLE	§	
MATTHEW HEBERT	§	
KENNETH MILES	§	
S.K. LABORATORIES	§	
SITESH PATEL	§	
CYRIL WILLSON	§	

**JOINT MOTION TO VACATE SCHEDULING ORDER
AND CONTINUE TRIAL DATE**

The parties in above-entitled and numbered cause, Defendants USPlabs, LLC, Jacobo Geissler, Jonathan Doyle, Matthew Hebert, Kenneth Miles, S.K. Laboratories, Inc., Sitesh Patel, and Cyril Willson (collectively, “Defendants”) and the government file this Joint Motion to Vacate Scheduling Order and Continue the Trial Date and respectfully show the Court as follows:

1. The Defendants were indicted on November 17, 2015. On February 12, 2016, this Court entered an Order Declaring the Case Complex and Continuing Trial Date [Dkt. No. 102] (the “Scheduling Order”). In the Scheduling Order, the Court set this case for trial to begin on Monday, January 23, 2017 at 9:00 a.m. As set forth in more detail below, the Parties jointly request that the Court: (1) vacate the Scheduling Order; and (2) continue the trial date to one of the 3 dates listed below (consistent with the Court’s availability).

2. As noted above, this is a complex case involving two corporations and six individuals and conduct stretching back years. Following entry of the order of continuance, the government has produced hundreds of thousands of pages in discovery, and both sides contemplate significant expert issues and motion practice. Indeed, numerous motions have already been filed. Likewise, the Parties anticipate that trial in this case will be complex, involve dozens of fact and expert witnesses, and take weeks. Defendants and their counsel need additional time to prepare for trial and pre-trial motions. Defendants' Counsel have worked diligently with the government regarding discovery, and will continue to do so.

3. The Parties jointly request a continuance of the trial date and request that the Court find that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendants in a speedy trial and that failure to grant such a continuance might result in a miscarriage of justice. 18 U.S.C. § 3161 (h)(7)(A) & (B)(i)(iv). No Party shall be prejudiced by the granting of this relief: All Defendants have already filed speedy trial waivers with the Court, and all Parties have agreed with the relief requested in this motion.

4. The Parties have conferred and further request that the Court, schedule permitting, reschedule trial to start on one of the following dates: (a) Monday, October 2, 2017; (b) Tuesday, October 10, 2017 (Monday being a legal holiday) or (c) Monday, October 16, 2017. The Parties will be prepared to begin trial on any of those three dates and will not, absent good cause, seek further extension of a trial set to begin on one of these three dates.

5. The Parties further request that the Court vacate the current Scheduling Order and enter a new scheduling order consistent with the trial date that the Court selects.¹

The Parties therefore respectfully request that the Court (1) vacate the current Scheduling Order; (2) continue the trial date to either October 2, 2017, October 10, 2017, or October 16, 2017; and (3) enter a new scheduling order consistent with the trial date selected.

Dated: October 19, 2016

¹ By seeking this relief, no party waives the right to request that the Court modify any of the deadlines contained in any scheduling order the Court enters.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was served via the Court's ECF filing system to all registered users on this 19th day of October, 2016.

/s/ Richard B. Roper
Richard B. Roper